

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARK RUSSELL WEINERT,

Plaintiff,

v.

Case No. 18-cv-1995-bhl

DR. CHARLES LARSON,

Defendant.

NOTICE AND ORDER

Plaintiff Mark Weinert, who is representing himself, filed a complaint under 42 U.S.C. §1983. On March 12, 2021, Defendant Dr. Charles Larson filed supplemental materials in support of his motion for summary judgment. Dkt. Nos. 64-67. Weinert's materials in response to the supplemental materials are due **Monday, April 12, 2021**. *See* Dkt. No. 62. In responding to the supplemental materials, Weinert must respond to each of the proposed findings of fact, *see* Dkt. No. 65, by agreeing with each proposed fact or explaining why he disagrees with a particular proposed fact. If he does not indicate one way or the other, the Court will assume that he agrees with the proposed fact. Weinert must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the Court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. §1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to

¹ At the bottom of his declaration, he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. §1746(2).

the Court that everything in the declaration is true and correct. Weinert must also respond to the legal arguments in the brief. *See* Dkt. No. 64.

The Court reminds Weinert that, under Civil L. R. 7(d), a party's failure to file response materials is sufficient cause for the Court to grant a motion. If Weinert believes he needs additional time to prepare his response materials, he must file a motion asking the Court to extend the deadline *before* his response materials are due. If he files such a motion, he must explain why he needs additional time and how much additional time he needs.

IT IS THEREFORE ORDERED that, if by **April 12, 2021**, Weinert does not respond to the defendant's supplemental materials or does not request additional time to do so, the Court will grant summary judgment in favor of Dr. Larson and dismiss this case.

Dated at Milwaukee, Wisconsin this 15th day of March, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge